

Court of Appeals, State of Michigan

ORDER

Patrick M. Meter
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

People of MI v Kenneth Lee Daniels

Docket No. 272218

L. Ct. No. 05-002849-FC

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED, and this case is remanded to the circuit court. Within 14 days of the certification this order, appellate counsel shall file a motion to determine whether appellant has the ability to pay the court-appointed attorney fees in accordance with this Court's guidance in *People v Dunbar*, 264 Mich App 240; 690 NW2d 476 (2004) with the circuit court. If appellate counsel fails to file the motion within the time allotted, the appellate proceedings in this Court resume immediately. Otherwise, the appellate proceedings in this Court will resume upon the entry of circuit court's order deciding the motion.

Within 56 days of the certification of this order, the circuit court shall hear and decide the motion. The circuit court shall make findings of fact and a determination on the record. Within 14 days of its entry, appellate counsel shall file with this Court a copy of the order memorializing the circuit court's determination with this Court. Within 21 days of the completion of the proceedings below, the circuit court shall order and the court reporter shall file with this Court a copy of the transcript for any hearing conducted on remand.

This Court retains jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 20 2007
Date

Sandra Schultz Mengel
Chief Clerk